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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,991	12/31/2001	William E. Ryan JR.	F-424	5304

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EXAMINER

JASTRZAB, KRISANNE MARIE

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/036,991
Filing Date: December 31, 2001
Appellant(s): RYAN ET AL.

William E. Ryan, Jr. et al.
For Appellant

EXAMINER'S ANSWER

MAILED

DEC 06 2005

GROUP 1700

This is in response to the appeal brief filed 8/30/2005 appealing from the Office action mailed 4/1/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

None.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

U.S. Patent Publication 2002/0124,664 A1, Call et al., 9/12/2002

U.S. Patent No. 6,191,424, Stirling et al., 2/20/2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Call et al., US 2002/0124664 A1.

Call et al., teach a system for sorting and sanitizing mail pieces wherein the mail is singulated and fed via a conveyor through a detection station from where it can be conveyed through a sanitation section and/or is distributed according to an OCR reading. Call et al., further teach the provision of a filtered transition area on either side of the sanitation section as now present in the amended claims. See column 2, paragraph 0020, column 7, paragraphs 0100, 0108 and 0109, column 8 and column 9, paragraph 0118.

Claim Rejections - 35 USC § 103

Claims 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Call et al., as applied to claims 1-3 above, and further in view of Stirling et al., U.S. patent No. 6,191,424.

Stirling et al., teach a configuration for sterilizing irradiation of articles on a conveyance, wherein there is provided a pair of channels having a cavity therein and a gap therebetween. The gap contains UV radiation means and is the location where sterilization/disinfection occurs without disruption of the conveyance and without requiring user intervention. See the abstract and column 3.

Call et al., utilize conventional mail handling conveyance and Call et al, teaches that one form of sterilization is UV radiation. It would have been well within the purview of one of ordinary skill in the art to utilize a structure such as that taught in Stirling et al., for the sanitation station in Call et al., because it would provide for effective means to retrofit existing mail handling conveyances to provide effective decontamination without requiring user interaction.

(10) Response to Argument

Appellant argues that Call '664 is not available as a reference because support for the recited section of the published application, relied upon in the rejection of the claims, is not provided by provisional application 60/337,674 from which '664 depends, The Examiner, however, would disagree and point Appellant to page 11, lines 5-28 and page 13 of that provisional application which directly correspond to the sections of '664 cited in the rejection of the claims. It is noted that Appellant alleges that the Examiner points to Fig.1 and reference numerals in the 900 and above range, however, this is not correct. Within the body of the rejection, the Examiner clearly points to column 2, paragraph 0020, column 7, paragraphs 0100, 0108 and 0109, column 8 and column 9, paragraph 0118 of Call '664.

Appellant would further argue that Call '664 does not teach a "component for singulating and feeding a mailpiece along a feed path of the system", however, Call '664 clearly provides such structure as noted at page 8, lines 6-14 and 61-64 of the first column.

Appellant also argues that Call '664 fails to teach a "filtered transition area" as recited in the claims, which the Examiner is interpreting to follow a reading of page 12 of Appellant's instant specification stating "appropriate filtration and sealing can be provided in transition area 43 of the feed path". The Examiner would maintain that Call '664 clearly teaches such filtered passage along the feed path between different handling areas, namely at page 8, lines 38-60.

Finally, Appellant argues that the Examiner does not address the structural limitations regarding the sanitizer module set forth in claims 4 and 13 specifically, however, the Examiner would point Appellant to page 3 of the Final rejection, and as reiterated above, which clearly addresses those limitations. Stirling et al., teach a pair of channels formed by guide walls, and have a conveyance means, which is a transport belt, within each of the channels, with a gap between the two channels. The gap contains sanitizing UV radiation means.

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer. This corresponding section was not included in Appellant's brief, thus it is assumed that there are no such decisions.

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For the above reasons, it is believed that the rejections should be sustained.

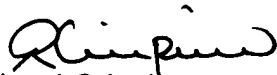
Respectfully submitted,

Krisanne Jastrzab


KRISANNE JASTRZAB
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